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SENSITIVE
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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN, CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (BROWN, DENYER AND CRISTOFARO)
NSC FOR LUTES
WINPAC FOR WALTER

E.O. 12958: N/A

TAGS: [PARAM](#) [PREL](#) [KTIA](#) [OPCW](#) [CWC](#)

SUBJECT: CWC: WRAP-UP FOR THE WEEK OF JANUARY 22, 2009

REF: A. THE HAGUE 29
 [1](#)B. THE HAGUE 21
 [1](#)C. STATE 5807

This is CWC-06-09.

SUMMARY

[11.](#) (SBU) The Executive Council (EC) Chairman's consultation January 21 on issues related to the final destruction deadline dominated the week's agenda as the first official meeting at the Organization for the Prohibition of Chemical Weapons (OPCW) in the new year. Delreps met with the Russian delegation January 20 in anticipation of this meeting. The Western European and Others Group (WEOG) discussed the deadline consultation and the upcoming consultation on "situations not foreseen" by the Convention at the weekly meeting on January 19. Delreps also met privately with the Irish facilitator for "situations not foreseen" on January 22 (that meeting will be reported by septel).

WEOG

[12.](#) (SBU) At its regular Tuesday meeting January 19, the Western European and Others Group (WEOG) discussed both the EC Chairman's consultations on the 2012 destruction deadline and the "situations not foreseen" consultation under Facilitator Michael Hurley (Ireland), who briefed the group on his draft paper. The UK delegate announced that London would not permit Ambassador Arkwright to take the Executive Council chair after the former UK ambassador chaired the Second Review Conference. German Ambassador Werner Burkart added that he planned to invite ambassadors from the ten WEOG member countries of the Executive Council to lunch to discuss the future WEOG EC chairmanship (since scheduled for February 4).

¶3. (SBU) On the deadline consultation, the Spanish delegate (now representing the EU presidency) spoke of the importance of the issue, cited the Director-General's view that the deadline is a means to an end and not the end in itself, and said he expected a roadmap from Chairman Jorge Lomonaco (Mexico), much as he had done for the DG search. Delrep briefed the group on Lomonaco's plans for the meeting (Ref B), noting that he expects to launch the process but will hand it over to his successor, and emphasizing that he is open to suggestions on his notional outline of issues relating to the mandate of the EC ("how and when" to hold discussions) and the impact on the Organization. German representatives weighed in against the budget and personnel implications as being substantive and beyond the mandate of the consultations, which should focus on how and when to hold discussion on the deadline. Ruth Surkau, in her role as WEOG coordinator, inquired about views on a special EC or Conference, or an Open-Ended Working Group. Delrep outlined U.S. view (Ref C) that the normal political bodies should be able to handle this issue in the two years remaining before the April 2012 deadline. The Spanish rep advised keeping the process in the hands of the EC Chairman.

¶4. (SBU) On "situations not foreseen" by the Convention, Facilitator Hurley outlined his draft paper, noting that he deliberately avoided Convention terms, and the contentious issues of "possession and control" of chemical weapons, and the vague formulation of "situations not foreseen." He emphasized the role of the Policy-Making Organs to review and approve arrangements, and noted South Africa's concern that information be conveyed to the OPCW in a timely fashion, hence the 30-day updates included in the draft. The French delegate inquired as to the timeline. Hurley responded that he planned to introduce the paper at the consultation on January 27, hear reactions at the meeting the following week (February 3), and report to the EC. He is looking for an agreed paper before the Conference of the States Parties (CSP). The Spanish delegate asked about the reactions of other delegations. Hurley said the South Africans had initiated this, but broadly accepted his approach; they would tighten the reporting requirements. German Ambassador Burkart questioned the title of the exercise, noting that this seemed to be verification not destruction, and expressed concern about the role of the Council. Surkau noted that the original formulation to limit this to non-States Parties in the future seemed to have disappeared.

MEETING WITH RUSSIAN DELEGATION

¶5. (SBU) Delreps Beik and Granger met with Russian Delegate Vladimir Ladanov on January 20 and shared points from guidance (Ref C) on the first round of consultations on the 2012 destruction deadline scheduled the following day by EC Chairman Lomonaco. Ladanov excused the absence of Russian Deputy PermRep Konstantin Gavrilov, who was ill and unable to join the meeting. After Delreps gave a brief overview of Lomonaco's plan for the consultation as he had outlined it to them (Ref B), Ladanov said that he did not have instructions from Moscow but that it would be important for Russia and the U.S. to coordinate and cooperate on the issue. He agreed with Delreps that it is too early to talk about non-compliance and also agreed that a Special Conference to address the issue would not be advisable, saying that some countries would only

use it to politicize and over-dramatize the situation.

16. (SBU) Ladanov described an amendment to the Convention as a "non-starter," further noting that Russia does not see an amendment as an option or even a possibility to be discussed. On Lomonaco's idea on how to proceed with the consultation, Ladanov was cool on the idea of addressing organizational and practical implications of the deadline; he focused instead on the mandate from the EC on how and when to initiate discussions and expressed concern that deviation from the "how and when" mandate would encourage some countries to focus on why 2012 would be missed and who would be to blame.

17. (SBU) Delreps also discussed the consultations on "situations not foreseen" and Facilitator Hurley's draft paper circulated the day before. Ladanov had not seen Hurley's paper but reiterated the Russian position as stated during the October EC session (EC-58) and subsequently circulated as a national paper.

18. (SBU) On the issue of continued verification Q8. (SBU) On the issue of continued verification following 10 years after conversion of former chemical weapons production facilities (CWPFs), Ladanov said that Russia and the UK had reached a compromise on having a special regime under Article VI for converted former CWPFs to be inspected. (Del Note: We are not so certain this has been agreed. The Article VI designation would ensure that costs for inspections would be borne by the OPCW rather than States Parties, a key Russian concern. End Note.) However, the details still are being worked out by the Technical Secretariat and should be in its anticipated paper on the topic. Ladanov confided to Delreps that Russia is considering destroying some of its converted former CWPFs, which are now dormant, just as the U.S. did.

EC CHAIRMAN'S CONSULTATION ON ISSUES RELATED TO 2012

19. (SBU) The first official meeting of the new year was a display of the OPCW at its best: a positive, constructive tone permeated almost all interventions. Even the Iranian comments were relatively mild for them. The meeting was a standing-room-only event with attendance by the Director-General (DG), Deputy DG and a large number of ambassadors and OPCW staff as well as the usual delegates, with everyone exchanging best wishes for the new year. EC Chairman Lomonaco opened the meeting by stating his expectation for an exchange of views on organizational matters, as well as his intention for the meeting to provide an opportunity to explore ideas and suggestions on how to proceed. Lomonaco said the informal consultations should provide a forum for discussing issues related to the destruction deadline of 2012 in parallel with the formal sessions of the EC; he plans to report back to the EC on the progress of consultations, thereby avoiding repetition of discussions within the Council.

10. (U) Speaking in his capacity as CSP Chairman, Lithuanian Ambassador Verba set the tone for subsequent interventions. He thanked Lomonaco for the initiative and agreed on the value of starting a substantive debate on the issue. Verba noted that destruction of existing stockpiles is only one part of the Convention and said that dialogue is crucial for the Organization to complete destruction and transition to a greater focus on

non-proliferation. He also stated the need to acknowledge current realities when addressing the issue.

¶11. (U) Brazilian Ambassador Medeiros, who first proposed convening the informal consultations, agreed with Lomonaco that the consultations provide an important forum for discussion, including a discussion on the future of the OPCW. He said that the issue should be kept permanently on the EC's agenda, with the Chair reporting back to every regular Council session. Medeiros said the next two years will allow the Organization to address the deadline issue without being overwhelmed by it in 2012. Referring to the mandate for the consultations given by EC-58, Medeiros divided the issues related to meeting 2012 into three categories:

-- Legal implications

How will some possessors not completing destruction by 2012 affect the letter and spirit of the Convention?

-- Administrative/practical implications

How will the normal work of the TS be affected if 2012 is not met, including any budgetary impact?

-- Institutional problems

How to deal with both the legal and administrative/practical implications of not completing destruction by 2012? Possibly convene a Special Conference or an Amendment Conference? Or increase monitoring through the EC?

¶12. (U) South African Delegate van Schalkwyk stressed the need to base discussion of 2012 on "facts on the ground," noting that a decision on the matter only can be reached closer to the deadline. Chiming a refrain heard throughout the consultations, van Schalkwyk said that nothing should be done to undermine the Convention and cited the need for flexibility in order to preserve the Convention. He stressed the need for destruction to be completed, even if the deadline is missed. Van Schalkwyk supported Lomonaco's intention to keep substantive discussion of the issue in the consultation process and called for a balanced approach to the issue. Echoing comments from previous interventions, Indian Ambassador Singh said that it was important to discuss and prepare for 2012 but that no action should be pre-emptive and action could not be taken until the deadline. Singh ruled out any amendments to the Convention, which he said would lead to its unraveling.

¶13. (U) The Iranian Delegate then took the floor reiterating Iran's position that complete destruction constitutes the most important and fundamental commitment of possessor states. Expressing deep concern with the U.S. projected dates for completing destruction, the Iranian Delegate said these clearly contradict the Convention and insisted that non-compliance with the Convention will undermine its credibility and that of the OPCW. Suggesting that the EC Chairman's consultations might not be able to address sufficiently all issues related to meeting 2012 (as mandated by the EC), the Iranian Delegate proposed establishing ad-hoc working groups but insisted at the very least that consultations be convened on a regular basis.

¶14. (U) Following the first wave of speakers, U.S. Delrep welcomed the constructive tone of the discussion and the positive ideas that had been

proposed and would be proposed in future discussions. She emphasized that there was time to proceed with these consultations in an orderly and productive manner and noted that the U.S. would actively participate. The U.S. delegation sat next to the Russian delegation, which left a junior officer in the chair and did not speak at the meeting. (Del Note: Brazilian Ambassador Medeiros made a point of thanking Delrep following the meeting for her positive intervention. He and other delegates expressed appreciation for how well the meeting had gone. End Note.)

¶15. (U) Obviously waiting for the U.S. to speak, German Ambassador Burkart, French Delegate Rabia and Dutch Ambassador Lohman then made interventions. Burkart echoed Verba's earlier remarks and stressed the need for balance. Burkart said it was good to start in a "timely manner" but saw no need for haste with two years still left. He also said a special conference would not be necessary. Citing the mandate given by the Council to the consultation, Burkart said focus initially should be on procedural (i.e., how and when) rather than substantive matters. Referring to the Brazilian categorization of issues related to 2012, Burkart noted the different character between legal and practical implications and said that the latter will need to be addressed regardless of whether or not destruction is completed by 2012, as destruction activity naturally will draw down. Rabia echoed the South African comment that destruction will be effective even if the deadline is missed and agreed with Burkart that a special conference or meeting would not be needed. She also agreed with India against renegotiating the Convention. Like others, Lohman said that a final decision cannot be taken until the situation is clearer in 2012.

¶16. (U) Chinese Delegate Chen agreed on focusing first on organizational aspects and subscribed to Brazil's categorization of issues. Chen suggested a plan of work be drawn up to guide the consultation process during the next two years. He also stressed the need for timely information from possessors on measures they are taking to meet the deadline or to address any delays. Cuban Ambassador de los Reyes also said that precise, timely and "profound" information will be essential to guide the consultation process. Spanish Ambassador Prat y Coll emphasized the consultation's mandate to explore all issues related to destruction and meeting 2012, including the evolution of the OPCW to focus more on non-proliferation following destruction. Prat y Coll said that organizational changes should be a focus of discussion.

¶17. (U) Drawing on comments from previous speakers, Peruvian Ambassador Wagner highlighted six elements:

- the consultation should be open-ended and include as many delegations as possible to help build consensus;
- while important, destruction must be balanced with non-proliferation and industry issues, as well as international cooperation and assistance;
- any decision cannot be pre-emptive;
- a distinction should be made between original possessor states and those joining the Convention later (including current non-member states) as the process of destruction will not end until there is complete universality and all chemical weapons have been destroyed;
- in line with the Brazilian intervention, legal and practical implications must be considered

first, with institutional changes examined later; -- a solution must be found within the Convention without any recourse to amending it.

¶18. (U) Summing up the meeting, Lomonaco noted his appreciation for the constructive and positive tone and said he hoped to channel energies into finding solutions and avoid finger-pointing. Lomonaco also circulated a "lean paper" with two main elements (modeled on the draft elements he had shared with Delreps reported in Ref B):
-- how and when to initiate discussions by the Council, and
-- OPCW administrative adjustments post 2012.

Lomonaco did not announce a date for the next consultation, but said he had noted carefully the ideas expressed and would continue to consult with delegations.

¶19. (SBU) DEL COMMENT: Drawing on his experience leading the selection process for the next Director-General, Lomonaco obviously consulted with a number of key ambassadors in advance of the consultation resulting in a semi-choreographed display of support for Lomonaco's approach. The absence of a Russian intervention, and the fact that a junior member of the Russian delegation was in the chair, were telling of the current Russian approach to the issue. Following the meeting, DG Pfirter told Delrep that the timing was not yet right for a legal opinion on the effect of missing Qright for a legal opinion on the effect of missing the destruction deadline; Pfirter also said that the Legal Advisor will need to have any request for an opinion will need to be an explicitly- and clearly-framed question. Delreps later learned from Legal Advisor Onate that he intentionally did not attend the meeting to avoid being called on immediately to pronounce a legal opinion. END COMMENT.

¶20. (SBU) Postscript: In the following week's WEOG discussion on January 26, delegations agreed that the meeting had set a positive start to the consultation, that it should remain in the hands of the Chairman, and that it is too early for detailed substantive discussion. There was a slight divergence of views on whether the administrative issues were relevant to the process or useful as a diversion. The Dutch Ambassador noted the opportunity to broaden the issue to look at the future of the Organization. The Italian delegate intoned that expanding the discussion on other issues would require an evaluation of "what we want to achieve." The Swiss delegate cited the importance of keeping this issue in informal channels and out of the Executive Council. WEOG Coordinator Surkau asked if the mandate for the consultation should be expanded beyond how and when to hold discussions. The UK delegate and U.S. Delrep both responded that it would be best not to return this issue to the Council but to leave it in the capable hands of the Chairman, with the narrower mandate protecting against discussion in undesirable directions while still allowing broader discussion if the consultation group agreed.

¶21. (U) BEIK SENDS.

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